

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: David A Jerri

Chapter: 13

Bankruptcy No.: 20-11263-amc

Debtor

11 U.S.C. § 362

Wilmington Savings Fund Society, FSB, d/b/a
Christiana Trust, not individually but as trustee for
Pretium Mortgage Acquisition Trust

Movant

vs.

David A Jerri

Debtor

and

William C. Miller, Esq., Esquire

Trustee

RESPONDENTS

MOVANT'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Movant, by its undersigned Attorney, Chandra M. Arkema, Esquire, hereby requests that the automatic stay be vacated so that it may forthwith initiate foreclosure or resume foreclosure on its Mortgage.

1. Movant is Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, with an address of c/o Selene Finance, 9990 Richmond Avenue, Suite 400 South, Houston, TX 77042-4546.

2. Debtor is the owner(s), mortgagor(s), and last grantee(s) of record to the real property situated at 400 LOUISE AVENUE, CROYDON, PA 19021, (hereinafter referred to as "mortgaged premises").

3. Movant is the owner and holder of a Mortgage, which Mortgage is presently a first priority lien against the mortgaged premises. A true and correct copy of the recorded Mortgage is attached hereto as Exhibit "A" and made a part hereof. A true and correct copy of the Promissory Note, executed by Debtor contemporaneously with the Mortgage, is attached hereto as Exhibit "B" and made a part hereof. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit "C" and made a part hereof.

4. Debtor is the Defendant(s) in a pending mortgage foreclosure proceeding venued in the Bucks County Court of Common Pleas (Docket No. 2019-06549) as a result of chronic failure and/or refusal to make, tender, and/or deliver the monthly mortgage payments required pursuant to the terms of the Note and Mortgage.

5. The aforesaid mortgage foreclosure proceeding was stayed by the filing of this Chapter 13 case.

6. Debtor has not made, tendered, or delivered the May 1, 2020 through October 1, 2020 mortgage payments of \$1,670.05, less Debtor's suspense of \$1,548.75, for a total delinquency of \$8,471.55.

7. Movant is entitled to relief from the automatic stay as a result of the foregoing defaults and because:

- (a) adequate protection of the interest of Movant is lacking; and
- (b) Debtor has inconsequential or no equity in the mortgaged premises, upon information and belief.

8. There is just cause for Movant to be granted relief from the automatic stay, so as to permit Movant, its successors and/or assigns, to initiate or resume foreclosure on its Mortgage including, but not limited to, the sale of the mortgaged premises as a Sheriff's Sale.

WHEREFORE, Movant respectfully requests that this Court enter an Order vacating the automatic stay under 11 U.S.C. §362(d) with respect to the mortgaged premises as to allow Movant, its successors and/or assigns, to immediately initiate or resume foreclosure on its Mortgage and allow the purchaser of the mortgaged premises at Sheriff's Sale (or purchaser's assignee) to take any/all legal or consensual action for enforcement of its right to possession of, or title to, the mortgaged premises.

Respectfully submitted,

/s/ Chandra M. Arkema
Richard M. Squire, Esq.
M. Troy Freedman, Esq.
Chandra M. Arkema, Esq.
One Jenkintown Station, Suite 104
115 West Avenue
Jenkintown, PA 19046
215-886-8790
215-886-8791 (FAX)
rsquire@squirelaw.com
tfreedman@squirelaw.com
carkema@squirelaw.com
Attorney for Movant

Dated: October 13, 2020